Supreme Court, U.S.
FILED

10-105 MAY 19 2010

OFFICE OF THE CLERK

No.

IN THE
SUPREME COURT OF THE
UNITED STATES

JULIA A. MCGEE – PETITIONER
Vs.
CALIFORNIA SUPERIOR COURT,
COUNTY OF SACRAMENTO –
RESPONDENT

ON PETITION FOR A WRIT OF
CERTIORARI TO

THE SUPREME COURT OF THE
STATE OF CALIFORNIA

PETITION FOR WRIT OF CERTIORARI

Julia A. McGee
5617 Bonniemae Way
Sacramento, California 95824
(916) 247-2413

QUESTIONS PRESENTED

The defendant below, Petitioner here, in an African American citizen of the United States that resides in a state which discriminates against African Americans on the grounds of race in law enforcement programs and activities. Relevant federal statutes preclude race discrimination in programs and activities receiving federal financial assistance. Petitioner is being evicted from her home by the State of California on the grounds of her race and color. The question presented in this petition is:

May the State of California unlawfully evict petitioner and her family from the property located at 5617 Bonniemae Way Sacramento, California 95824 on the grounds of their race and color through the use of programs and activities receiving federal financial assistance; and if not is the state of California immune under the Eleventh Amendment to the United States Constitution from suit in federal court for damages and cost incurred by petitioner and others as a result of the State of California's actions in discriminating against African Americans under programs and activities receiving federal financial assistance?

PARTIES TO THE PROCEEDINGS

The following defendant, Petitioner here, asserted a federal question in the trial court:

Julia A. McGee

The following was plaintiff, the Real Party in Interest here, in the trial court:

Sora L. McGee

The following Court, Respondent here was the trial court:

Superior Court of California, County of Sacramento

RULES 29.6 STATEMENT

Pursuant to Rule 29.6 of the Supreme Court Rules, Petitioner affirms that she has no parent company and is not a public-owned company.

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PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully petitions for a writ of certiorari to review the judgment of the Supreme Court of the State of Califo nia.

STATEMENT OF JURISDICTION

The date the judgment or order sought to be reviewed was entered is April 14, 2010. No request for rehearing was made. The statutory provisions believed to confer on this Court jurisdiction to review on a writ of certiorari the judgment or order in question is Title 28 U.S.C. § 1257 (a).

OPINIONS BELOW

The decision of the Supreme Court of the State of California is represented at App. 1. The decision of the California Court of Appeal in and For the Third Appellate District is printed at App. 2. The decisions of the Superior Court of California, County of Sacramento are represented at App. 3, 4, 5, 6, 7 and 8.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Title VI of the Civil Rights Act of 1964 are relevant to the disposition of this case. The relevant constitutional provisions and statutes read as follows:

AMENDMENT XI

> **Amendment 11 - Judicial Limits.** The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

AMENDMENT XIII

> **Amendment 13 – Slavery Abolished.** 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

AMENDMENT XIV

> **Amendment 14-Citizenship Rights.** 1. All persons born or naturalized in the United

States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

USC TITLE 42 § 2000

Section 2000d-7.
Prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on grounds of race, color, or national origin. *No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance.*

Section 2000d-7. Civil rights remedies equalization.
(a) General provision. *(1) A state shall not be immune under the Eleventh Amendment of the Constitution of the United States from suit in federal court for a violation of section 504 of the Rehabilitation Act of 1973 [29 USCS §794], title*

IX of the Education Act of 1975 [42 USCS §6101 et. seq.], the Age Discrimination Act of 1975 [42 USCS § 1681 et. seq.] title VI of the Civil Rights Act of 1964[42 USCS §2000d et. seq.],or the provision of any other Federal Statutes prohibiting discrimination by recipients of federal financial assistance.

(2)In a suit against a state for a violation of a statute referred to in paragraph (1), remedies (including remedies both at law and in equity) are available for such a violation the same extent as remedies are available for such a violation in the suit against any public or private entity other than a state.

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INTRODUCTION

This case questions whether the words of the Constitution and Congress governing state sponsored racial discrimination have meaning, or whether state courts may construe those words in such a manner as to frustrate the constitutional and congressional purpose. More specifically the question is may the State of California, unlawfully evict petitioner and her family from their home on the grounds of their race and color through the use of law enforcement programs and activities receiving federal financial assistance. The Supreme Court of California held they could. Whether it was rights should be reviewed by this Court.

Where a state is receiving federal financial assistance for its law enforcement programs and agencies, a state must insure that:

> No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of or be subject to discrimination under any program or activity receiving federal financial assistance.

42 U.S.C. §2000d-7

Furthermore, federal law provides as follows:

> (1) A state shall not be immune under the Eleventh Amendment of the Constitution of the United States from suit in federal court for a violation of ... Title VI of the Civil Rights Act of 1964, or provisions of any other federal statues prohibiting discrimination by recipients of federal financial assistance;
>
> (2) In a suit against a state for violation of a statute referred to in paragraph (1), remedies (including remedies both at law and equity) are available for such violation to the same extent as remedies are available for such a violation in suit against any public or private entity other than a state.

It is unquestionable that the use of fraud, forgery and perjury to file and prosecute the underlying unlawful detainer action was state action which implemented and executed a policy adopted and promulgated by the governor, the attorney general, and legislature of the State of California, and was done in furtherance of a racially motivated

conspiracy to deprive petitioner and her family of their civil rights. The undisputed facts in this action and the facts set out in this Court's case entitled *McGee v. Superior Court County of Sacramento No. 09-613* shows the California Attorney General Edmund G. Brown Jr. aided Thomas Hogan in his attempts to unlawfully evict petitioner and her family from their home. When private individuals act jointly with state officials in performing prohibited action, the conduct is deemed state action and under color of law. *Monroe v. Pape (1961) 365 US 167, 173-174; Burton v. Wilmington Park Authority (1961) 365 US 144,; Adickes v. S.H. Kress & Co. 389 U.S. 144; and Lugar v. Edmondson Oil Co. (1982) 457 US 922, 914-942.* Therefore the filing and prosecution of this case in respondent court was a state action, since the undisputed evidence shows Thomas Hogan and other persons acted jointly with state officials in attempting to unlawfully evict petitioner and her family from the subject property See *petition for writ of mandate or prohibition with request for stay Appendix 9-Appendix 53 also See McGee v. CA State Senate et. al., 2007 U.S. Dist. Court LEXIS 6019 (ED Cal. Jan. 25).*

This question is important for the public and legal profession, and is squarely presented in this case. Congress has by way of Title VI of the Civil Rights Act of 1964, the Civil Rights Act of 1871, and the Civil Rights Act of 1866, expressed a significant

national interest in protecting the civil rights and safety of African Americans. At this time the State of California discrimination against African Americans in law enforcement programs and activities is obvious. Whether the interest of the nation and congress is interfered with by allowing the State of California to unlawfully evict petitioner and her family from their home on the grounds of their race and color through the use of programs and activities receiving federal financial assistance is at stake in this case. That question merits review by this Court.

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STATEMENT OF CASE

A. Factual Background

This is a federal civil rights case. The governor, the attorney general, the legislature, of the State of California, Thomas Hogan and other persons and entities have worked in concert to use fraud, forgery, and perjury to file and prosecute this unlawful detainer action against petitioner and her daughter in furtherance of a vast racially motivated conspiracy to unlawfully evict petitioner and her family form their home located at 5617 Bonniemae Way Sacramento, California 95824 (the subject property). The States of California is attempting to evict petitioner and her family from

their home to punish them for complaining in both the federal and state courts about the State of California's policy of racial discrimination against African Americans. This petition demonstrates the lack of merit of plaintiff's complaint. The question is whether petitioner will be required to vacate the subject property by the State of California pursuant to a judgment obtained in respondent court through the use of fraud, forgery, and perjury committed in furtherance of a vast racially motivated conspiracy to violate petitioners and her family's rights secured by Title 42 U.S.C. §§ 1981, 1982, and 2000. Stated more broadly, the issue is whether the governor, the attorney general, of the State of California may allow Thomas Hogan, the County of Sacramento, and other persons to use programs and activities receiving federal financial assistance to punish petitioner and her family for exercising and asserting their federal constitutional rights.

On April 3, 2006, the governor, the attorney general, the legislature, of the State of California and the County of Sacramento, the City of Sacramento, the City of Elk Grove, Thomas Hogan, and other persons interfered with the orderly administration of justice in the United States District Court for the Eastern District of California in the cases of *McGee et. al. v. Seagraves* Civ. S-06-495-MCE-GGH-PS and

McGee v. CA State Senate et. al., Civ. S-05-2632 GEB EFB PS by unlawfully evicting petitioner and her family from their home. The above mentioned parties injured the McGee's in their person and property on account of their having attended court in the above entitled actions. As a direct and proximate result of said contempt of the United States District Court petitioner and her family began living at the subject property. In or about January 2007, Mark McGee and Thomas McGee began working on a scheme to deprive Jefferson McGee and his siblings of their inheritance by arranging unnecessary real estate transactions on property belonging to the Richard C. and Sora L. McGee Trust with the intent of earning secret profits.[1] Mark McGee and Gary L. Link attorney at law used fraud and perjury to file an unlawful detainer action with respondent court and requested and obtained Thomas Hogan's aid in their conspiracy to use unlawful means to evict the McGee's from the subject property. Thomas Hogan agreed to aid Thomas McGee, Mark McGee and Gary Link in their conspiracy to unlawfully evict the McGee's from their home to further

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[1] Sora McGee is the Trustee and Richard McGee Jr., Dean E. McGee, Rinnetta D. McGee, Mark McGee, Jefferson A. McGee, Sora E.J. McGee, and Thomas McGee are beneficiaries to the Richard C. and Sora L. McGee Trust. The Richard C. and Sora L. McGee trust is the owner of the property at issue here.

punish the McGee's for filing the case of *McGee v. CA State Senate et. al., Supra in the United States District Court.* Thomas Hogan then used fraud and perjury to obtain a judgment against the McGee's. The McGee's appealed the judgment to respondent appellate division.[2] Respondent affirmed the judgment. McGee then requested the California Court of Appeals in and for the Third Appellate District for a writ of mandate or prohibition. The Court of Appeal denied the request. McGee then asked the Supreme Court of the State of California to review the denial of his request for a writ of mandate or prohibition and the California Supreme Court denied the request. McGee then asked this Court to review the decision of the Supreme Court of the State California.

As this Court was reviewing the California Supreme Court's decision to allow the State of California, Thomas Hogan, Thomas McGee, Mark McGee, Gary L. Link and other persons to unlawfully evict the McGee's from their home. Thomas Hogan used fraud, forgery, and perjury to file this unlawful detainer action on behalf of the real party in interest. Thomas Hogan was aware

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[2] While the unlawful detainer action was pending in respondent court Mark McGee, Thomas McGee, Thomas Hogan , the County of Sacramento worked in concert to unlawfully lock petitioner out of the subject property. See this Court's docket 09-613.

that this Court's case No. 09-613 was pending but filed this action to obstruct the orderly administration of justice in this Court. The State of California had actual knowledge of the fact that Thomas Hogan used fraud, forgery, and perjury to obstruct the administration of justice in this Court but has refused to arrest and prosecute Thomas Hogan to aid Thomas Hogan in his conspiracy to unlawfully evict the McGee's. It is undisputed that the filing of this action was done to obstruct the orderly administration of justice in this Court and that the State of California and Thomas worked jointly to obtain the judgment. This action represents an open contempt for this Court's authority. (*See petition for writ of mandate or prohibition with request for judicial notice filed in this court in case No. 09-613.*)

B. Proceedings Below

Sora McGee, plaintiff, who is not prosecuting this action in her capacity as trustee of the Richard C. and Sora L. McGee Trust, filed this suit against Defendants Julia A. McGee and Javon A. McGee alleging defendants were guilty of unlawfully detaining the subject property. Rather than answer the complaint defendant moved the court to quash service of the summons and complaint based on the grounds that Thomas Hogan had used fraud, forgery and perjury to file

the complaint on behalf of plaintiff, and that Thomas Hogan filed the complaint in furtherance of a racially motivated conspiracy to violate petitioner's civil rights. After the court denied defendant's motion to quash, defendant moved the court for a summary judgment in her favor and filed: a declaration; a request for judicial notice; and a separate statement of undisputed facts in support of her motion for summary judgment Defendant's argument was based on the fact that it was clear no landlord-tenant relationship exists between defendants and plaintiff and therefore plaintiff failed to state a cause of action for unlawful detainer. Defendant also argued that officers of the State of California, Thomas Hogan, and other persons had used fraud, forgery, and perjury to file this action in furtherance of a vast racially motivated conspiracy which was violating petitioner and her family's rights secured by Title 42 U.S.C. §§ 1981, 1982 and 2000. Plaintiff admitted all the fact set forth in the statement of the undisputed facts and opposed the motion for summary judgment on the mere basis of the allegations of the pleading and on conclusory statement that a fact issue exists. Respondent denied defendants motion for summary judgment and ordered a hearing (trial). At the trial plaintiff testified that she and defendant had not entered into an agreement to rent the subject property as alleged in the complaint. Respondent entered a

judgment against defendant for possession of the subject property and awarded plaintiff a certain amount of money. Defendant appealed the judgment and requested the trial court issue a stay. The request for stay was denied. Defendant then requested respondent appellant's division to issue a writ in a limited civil case with a stay of judgment, and respondent also denied the request for writ with a request for stay. While petitioners petition for writ in a limited civil case was still pending in respondent's appellate division, Thomas McGee, Mark McGee, Thomas Hogan and the County of Sacramento and others interfered with the orderly administration of justice in respondent court and unlawfully locked petitioner out of the subject property.(*See petition for writ of mandate or prohibition in the appendix 8-53)*

Defendants then filed a request for writ of mandate or prohibition with a request for stay in the California Court of Appeal In And For The Third Appellate District, arguing that: (1) petitioner has a clear, present, and beneficial right to have summary judgment entered in her favor based on the undisputed facts; (2) the enforcement of the judgment would violate the Fourteenth Amendment to the United States Constitution because Thomas Hogan is acting jointly with state officials in an attempt to evict petitioner and her family from their residence on the grounds of their

race; (3) and that petitioner has no plain, speedy and adequate remedy in the ordinary course of law and therefore the writ should issue and the judgment should be stayed. The Court of Appeal denied petitioner's request for writ of mandate or prohibition with request for stay without an explanation. See Appendix 2, and Appendix 9-53.

Defendant filed a petition for review of the California Court of Appeal in and for the Third Appellate District decision denying defendant's request for writ of mandate or prohibition with request for stay in the Supreme Court of the State California. Defendants argued: (1) review should be granted because the decision of the Court of Appeal conflicts with sound principals of settled law and will have profoundly negative effects on the State of California's financial status; (2) the Court of Appeal decision if allowed to stand would violate petitioner and other persons rights to equal protection of the law in violation of the Fourteenth Amendment to the United States Constitution; (3) the Court of Appeal's decision is in direct conflict with California Code of Civil Procedure and the decisions of the Courts of the State of California in patent derogation of settled legal principals; (4) the Court of Appeal should have granted the writ because petitioner has no plain, speedy or adequate remedy in the ordinary course of law; and (5) review should be granted because it is

important to the public policy of the United States and the State of California for the Courts to definitely halt the long standing and recurring problems of the governor, the attorney general, the legislature, and some municipalities of the State of California of discriminating against African Americans on the grounds of race and from participating in a vast racially motivated conspiracy to violate petitioner and other persons rights secured by Title 42 U.S.C. §§ 1981, 1982, and 2000. The Supreme Court of the State of California denied petitioner's request for review without explanation. See Appendix 1.

Thus to reiterate for purposes of the Supreme Court Rule 14.1(g)(i), Defendant raised the federal issue for which review is sought at the earliest possible time before the trial court, in her motion to quash and motion for summary judgment and writ in a limited civil case. The issue was raised again before the California Court of Appeals Third Appellate District and again before the Supreme Court of the State of California. Thus, the question was timely and properly raised, and this Court has jurisdiction.

REASONS FOR GRANTING PETITION

THE CALIFORNIA SUPREME COURT DECIDED AN IMPORTANT QUESTION OF FEDERAL LAW THAT HAS NOT BEEN, BUT SHOULD BE, DECIDED BY THIS COURT.

This court's rule directs that, "a petition for certiorari will be granted only for compelling reasons." S. Ct. Rule 10. One such compelling reason is where a state court of last resort, "has decided an important question of federal law that has not been, but should be, settled by this Court..." S. Ct. Rule 10(c). This case is one such compelling case.

Certain points counseling for this Court's review are indisputable. First, problems with state sponsored race discrimination and state officials participation in racially motivated conspiracy to violate the civil rights of African Americans are problems that have arisen across the country and across time (including California) and has caused unnecessary hardship in the African American community. With continuation of state sponsored discrimination against African Americans has come the need to twice amend the United States Constitution and enact corresponding legislation to protect the rights of African American members of our society. The statutes at issue here are such measures. Their reach and effect are of critical importance to all citizens of the United States.

As states continue to receive federal financial assistance for their law enforcement programs and activities, significant public interest is attached to defining the precise parameters in which a state must contain their action in order to continue to receive federal financial assistance, or, conversely what is necessary to prevent a state from using federal assistance to discriminate against African Americans on the grounds of their race, including punishing African Americans for exercising and asserting their federal constitutional rights. This interest is heightened in this case because the State of California is also using programs and activities receiving federal financial assistance to interfere with the orderly administration of justice in the United States Courts, rather than to enforce federal civil rights statues. Whether federal law prohibiting race discrimination under any program or activity receiving federal financial assistance, precludes the State of California from allowing its officers to conspire to unlawfully evict petitioner and her family from their home on the grounds of their race or color is a significant issue of federal law meriting this Court's consideration.

Other state courts have decided the issues similarly, to the California Supreme Court. However, no court, including the California Supreme Court or Court of Appeals, has gone so far as to hold that State officers, municipalities, and agencies can use programs and activities receiving federal financial

assistance to participate in a racially motivated conspiracy to unlawfully evict African Americans from their home. Theses courts have similarly decided, with little or no analysis, that state sponsored racial discrimination is not a defense for an unlawful detainer action. Thus, these courts have frustrated the purpose of federal law by allowing state officials to use programs and activities receiving federal financial assistance to discriminate against African Americans on the grounds of race causing the victim to be unable to earn an income and pay their rent and refusing them a defense in the unlawful detainer action based on state sponsored racial discrimination. While it would be too much to argue that theses holdings "conflict" with this Court's precedent directly, they do run counter to reasoning in important precedents in one respect, they are allowing the State of California to punish the McGee's solely because they are African American and are attempting to have equal access to law enforcement programs and activities. In the case of *Georgia v. Rachel (1965) 384 U.S. 780* this Court held a state could not punish African Americans on the grounds of their race for asserting their rights secured by Title 42 U.S.C. §§ 1981, 1982 and 2000. Thus, this Court should accept this case to clarify whether this interpretation of the law is consistent with express federal policy of prohibiting racial discrimination under programs or activities receiving federal financial assistance.

The federal agency charged with enforcing civil rights of citizens has avoided intervening in several civil rights actions filed by petition and other in the United State District Court, instead choosing to wait. This decision creates more questions than it answers. The question of whether the State of California is immune under the Eleventh Amendment for damages incurred by petitioner and her family as a direct result of the actions described in this petition, should be answered here in the "interest of sound judicial administration and particularly the judicial abhorrence of piecemeal appeals and equities." Petitioner and her family have been injured in their persons and property by the State of California's racial discrimination and petitioner's husband, Jefferson A. McGee, (McGee) has a case pending in the United States District Court pertaining to the same issues. The case is entitled *McGee v. the State of California et. al. No. Civ. S-09-0740 GEB EFB PS.* This Court's attention to this question during these proceedings will prevent the Court of Appeal from having to examine the same issue. (*See Guardians Ass'n v. Civil Sec. Comm'n NYC (1983) 463 US 582, 593-595; University of California Regent v. Bakke (1978) 438 US 265, 283-284.)* As a result, this Court is the final place for reasonable guidance on this important issue.

These issues are presented clearly and in a straight forward manner by this case. No extraneous or collateral questions mire the Court. No one contests the fact that the State of California's policy of discriminating against African Americans on the grounds of race in enforcing the law in the State of California is the direct cause of the underlying action, and no one denies that Thomas Hogan, the governor, the attorney general and the legislature of the State of California are using programs and activities receiving federal financial assistance to violate petitioner and her family's civil rights. This Court should take this opportunity to address those important issues in this clear case. Each of these points is examined in greater detail below.

The State of California is using programs and activities receiving federal financial assistance to unlawfully evict petitioner and her family from the subject property on the grounds of their race and color. As it does so, the need to prevent the State of California from discriminating against African Americans increases. As of 1982 the State of California through its governors, attorney generals, legislature, municipalities, agencies, and people have conspired or aided and incited other persons to commit the following wrongs against petitioner and her family: attempted murder; kidnapping; attempted kidnapping; torture; assault with a deadly weapon; assault; battery; intimidation by threats of violence;

extortion; false imprisonment; malicious prosecution; robbery; burglary; breaking and entering into petitioner's and her family's property; perjury; forgery; unlawful sexual conduct; and unlawful search and seizure, causing petitioner and her family to lose income and preventing them from paying their rent. (*See McGee v. Seagraves Civ. S-0495 MCE GGH PS U.S. District Court Eastern District of California.*) The majority of the above listed criminal acts have been committed by California law enforcement officers working under the supervision of the California Attorney General and working in programs and activities receiving federal financial assistance. Indeed, several law suits filed by the McGee's in the United States District Court for the Eastern District of California describe hundreds of unlawful acts committed against the McGee's by state law enforcement officers, working in programs and activities receiving federal financial assistance. The pattern and practice of violating the Fourteenth Amendment to the United States Constitution are set out in the case of *McGee v. CA State Senate No. 2007 U.S. Dist. LEXIS 6019 (E.D.) cert denied; McGee v. Schwarzenegger No. Civ. S-04-2598 LKK DAD PS ; McGee v. MMDD No Civ. S-05-0339 WBS DAD PS; McGee v. Seagraves No. Civ. S-06-0495 MCE GGH PS this Court No. 06-11265 cert denied; McGee v. the People of the State of California* Civ. S-04-0283 GEB KJM PS; *McGee v. Craig* Civ. S-00-1578 GEB DAD PS this Court No. 01-8439 cert denied; *and McGee et. al.,*

v. Wilson et. al. Civ. S-98-1026 FCD PAN PS this Court case No. 00M86 cert denied.

The State of California has deprived the McGee's of other properties without due process of law. In July 2000 the State of California took possession of McGee's business, McGee and Associates, located at 9412 Elk Grove Florin Road Elk Grove, California 95624 without a valid court order preventing him from earning an income. In August 2005 the State of California unlawfully evicted McGee from his business, Valley Hi Sports Bar and Grill, located at 7917 Bruceville Road Sacramento, California 95823 and took tens of thousands of dollars of his property. In April 2006 the State of California took possession of the McGee's residence located at 8553 Iris Crest Way Elk Grove, California 95624, causing the McGee's to relocate to the subject property. (*See petition for writ of mandate and prohibition filed in this case, McGee v. Craig Supra, McGee v. MMDD Supra, and McGee v. Seagraves Supra*)

In addition to the taking of the McGee's property without due process of law, the State of California also has deprived the McGee's equal protection of the law. One such occasion was in December 2003. On December 15, 2003 Al Stoler and Matthew Anderson conspired to go to McGee's residence located at 8553 Iris Crest Way Elk Grove,

California 95824 and used unlawful means to collect a debt from McGee. In furtherance of the object of the conspiracy, later on December 15, 2003, Matthew Anderson arrived at petitioner's residence and began committing the following crimes against petitioner and her family: trespassing; robbery; burglary; kidnapping; attempted kidnapping; assault with a deadly weapon in an attempt to collect a debt from McGee. McGee arrived at his residence while Matthew Anderson was committing a robbery, and kidnapping petitioner and used moderate means to eject Matthew Anderson from his residence. Matthew Anderson was unharmed by McGee. See *People v. Miller 72 CA 607.* Matthew Anderson called the Elk Grove Police Department to aid him in the conspiracy to unlawfully collect a debt from McGee. The City of Elk Grove Police Department discriminated against McGee because he was African American and Matthew Anderson was European American and began using threats of arrest and intimidation to aid Matthew Anderson in collecting debt from McGee. When McGee refused to let Matthew Anderson take his car , the Elk Grove Police Department went to McGee's residence on December 17, 2003 armed with guns, sprays and other dangerous weapons and stole his .22 caliber handgun. On December 19, 2003 the City of Citrus Heights Police Department went to McGee's residence arrested him without a warrant because he had prevented Matthew Anderson from committing more crimes at his residence. The District

Attorney, Jan Scully, then initiated a criminal prosecution solely because McGee was African American and he lawfully stopped two European Americans men from trespassing and attempting to unlawfully take his property. The case is entitled *The People v. McGee* No. 03F11198. (*See petition for writ of habeas corpus field in the United States District Court on January 2010, exhibit A and B*)

Jan Scully, the District Attorney of Sacramento County initiated the criminal prosecution by filing an unsigned criminal complaint with respondent although she had been embroiled in civil litigation with McGee. Scully file the criminal complaint against McGee in contempt of this Courts holding in the case of *Tumey v. Ohio (1926) 273 US 522.* Respondent appointed the Sacramento County Public Defender to represent McGee in the criminal proceedings. McGee removed the respondent criminal case to the United States District Court. The case was entitled *McGee v. the People of California* No. Civ. S-04-0283 GEB KJM PS. During the proceedings in the District Court, the court issued a summons to the People of California but the People of California refused to answer. McGee served both the Sheriff and District Attorney of Sacramento County subpoenas and both Lou Blanas and Jan Scully displayed contempt for the District Court by refusing to comply

with the subpoena. [3] Jan Scully and the Sacramento County Public Defender then conspired to have McGee convicted of a crime. (*See Petition for Writ of Habeas Corpus field in the United States District Court in the case McGee v. The Attorney General of California No. Civ-S-09-0137 KJM and the record in the matter of McGee v. the People No. Civ. S-04-0283 GEB KJM PS.*)

The federal government has acted to combat state sponsored racial discrimination within the United States by ratifying the Thirteenth and Fourteenth Amendments to the Constitution of the United States. Congress enacted the 1871 and 1866 civil rights act as a means to enforce the provisions the Thirteenth Amendment. See *District of Columbia v. Carter (1973) 409 US 418.* Criticism of the efficiency of the government efforts to assure African Americas citizens equal rights as citizens and equal property rights though the above civil rights acts resulted in the passage of the Civil Rights of 1964. As this Court has acknowledged, Title VI of the Civil Rights Acts of 1964 is set forth in 42 U.S.C. §§ 2000d et. seq., and applies to federally assisted programs in general, and requires that no person in the United States shall, on the grounds of race, color, or national origin, be subjected to discrimination under any program receiving federal financial assistance [42

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[3] Petition for Writ of Habeas Corpus is on Appeal in the United States Court of Appeal for the Ninth Circuit.

U.S.C. §2000d et. seq. see e.g. *Hill v. Gautereaux (1976) 425 U.S. 284, 296, 301]* . These measures obviously include the racial discrimination at issue here.

The Civil Rights Act of 1964 required regulations to be promulgated and this legislation included the law at issue in this case. They were enacted in order to prevent the type of discrimination noted above, but went even further. *See Title 42 U.S.C. § 2000d et. seq.* This legislation was meant to entitle all citizens of the United States, "to be free, at any establishment or place, from discrimination or segregation of any kind on the grounds of race, color, religion, or national origin, if such discrimination or segregation is or purports to be required by any law, statute, ordinance, regulation, rule or order of a state or agency or political subdivision thereof. (*See Title 42 U.S.C. § 2000a-1.)* Section 2000a-2 also prohibits any person from depriving, interfering with, and punishing persons for exercising rights and privileges secured by Title 42 U.S.C. §§ 2000a or 20000a-1. These are all examples of the federal government's intent not just to protect citizens from racially motivated physical abuse, but from deprivation of rights as well. The legislation governs all programs and activities receiving federal financial assistance. It also governs racially motivated evictions.

So what is the relevance of this discussion for the issue raised by this case? It is as simple as this: the constitutional amendments and statutes at issue here are designed as part of a comprehensive package to protect the rights of African Americans from abuse and state sponsored race discrimination. It accentuates the importance of the issue needing definitive clarification. The question is whether the words of the constitution and congress mean what they say or whether they may be construed in such a manner as to allow the State of California to discriminate against petitioner and her family under programs and activities receiving federal financial assistance. This Court should issue the writ to decide this important issue.

At the same time, the governor, the attorney general, the legislature, and municipalities of the State of California are becoming more hostile to the Constitution and the laws of the United States and are showing more contempt for the courts. While precise numbers are unavailable, what is clear from the litigation history between the McGee's and the State of California and her officials is that the State of California promulgates a policy of discrimination against African American and refuses to enforce the law in compliance with the Fourteenth Amendment of the United States Constitution and Title 42 U.S.C. §2000 et. seq. Resolving this issue will bring clarity to

the debate at least on this point. This Court should do so.

The California Supreme Court has thus far passed on this issue on two separate occasions. See *McGee v. Superior Court Sacramento County Sora McGee the Real Party in Interest* No. 09-613 The California Supreme Court did not give a reason for denying petitioners request for review with a stay. The California Supreme Court denial of the petition for review with request for stay if not reverse will allows the State of California to deprive petitioner and her family of equal protection of the law and due process of the law in violation of the Fourteenth Amendment to the United States Constitution.

Respectfully, the Court missed two important points. First, it never even analyzed the important constitutional and congressional purpose behind the Thirteenth and Fourteenth Amendments and the Civil Rights Act of 1964. As discussed above, congress' longstanding interest in protecting the civil rights of African Americans led to these provisions, and surely the provisions mean what they say. If congress had meant "for states to discriminate against persons on the grounds of race and color under programs and activities receiving federal financial assistance then it would not have required the states to waive their Eleventh Amendment immunity from suit in federal court for a violation of Title VI of the Civil Rights Act

of 1964. It did. It directed that "[n]o person in the United States shall on the grounds of race, color, or national origin ... be subject to discrimination under any program or activity receiving federal financial assistance." (*See Title 42 U.S.C. §2000d-7.*) At minimum something more than a denial of the petition for review with no explanation is needed to guide both the people and the states. The Supreme Court of the State California decision frustrates congressional intent and should be reviews by this Court.

In similar fashion, the California Supreme Court's decision, failed to take cognizance of the facts that the decision of the Court of Appeal departed from settled law both statutory and decisional pertaining to unlawful detainer actions. The facts set forth in the verified petition for writ of mandate or prohibition with request for stay demonstrated the real party in interest did not present any evidence in the trial court to prove her allegations that Javon McGee and petitioner were guilty of an unlawful detainer. Petitioner was entitled to a summary judgment in her favor as a matter of law. Not only is there no statutory exception applicable here respondent judgment is in direct conflict with other cases *Francis v. West Virginia Oil Co. (1977) 274 C 168, 162 P. 394; Klein v. Loefler (1929) 274 P. 373, 96 Cal App 385; and Harper v. Raya (1984) 154 CA 3d 908, 201 CR 563,* which hold the existence of a landlord-tenant

relationship is a condition precedent to an unlawful detainer, and must be stated in the complaint and must be commenced by mutual consent. The real party in interest's admission that she had not entered into a rental agreement with petitioner conclusively negated one element of her unlawful detainer action and therefore as a matter of law summary judgment should have been granted in petitioner's favor. *Aguilar v. Atlantic Richfield Co. (2001)* 24 4th 826, 849. The state court's decision is in direct conflict with the laws as interpreted by the Courts of California in the above mentioned cases. The state court does not however, explain in any detailed manner why it has departed from settled law both statutory and decisional in this action. Again, this failure leads parties to wonder what the boundaries are with respect to federal laws, and frustrates the purpose behind the statute and regulations.

The judgment in this action was an arbitrary exertion of power by the State of California and not within the lawful power of the State of California. Since the judgment represents an unreasonable exertion of power which was not within the lawful power of California it violates the due process clause of the Fourteenth Amendment of the United States Constitution. See *American Land Co. v. Zeiss (1911) 219 US 47, Tracy v. Ginzberg (1907) 205 US 170, and P.R. Co. v. Macky (1888) 127 US 205.*

Finally, it is worth noting that it is undisputed in this action that the California Attorney General Edmund G. Brown Jr. is engaged in a vast racially motivated conspiracy to violate petitioners and other persons civil rights. The attorney general has used public monies to defend state officials in civil rights actions, while having actual knowledge that the state officials he is defending have admitted to violating petitioner's and her family's civil rights.[4] Neither this court nor the People of the States of California can have any confidence in the office of Attorney General to represent the People of the States of California in criminal or civil actions before this Court, or any other court because over the past seventeen years the Attorney General has willfully violated the civil rights of African Americans in the State of California. If attorneys, including the California Attorney General are not deterred from further engaging in unlawful business practices and committing racially motivated criminal acts while prosecuting and defending cases in the federal and state courts, the resulting harm to public confidence in government may become irreparable or it will discourage persons from using the courts to resolve their legal disputes.

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[4] Former California Attorney General Daniel Lungren is a member of the United States House of Representatives. Lungren has committed acts in furtherance of the conspiracy set out in the petition his actions have violated Title 18 U.S.C. §§ 241, 242 and 245.

Thus, the need for this Court to exercise its discretion and review this case is clear. The Constitution and Congress forbid, in absolute terms, the discrimination against African Americans on the grounds of their race and color under programs and activities receiving federal financial assistance, yet the state court of last resort is allowing the State of California to carry out an unlawful eviction done in furtherance of the governor, the attorney general, the legislature, some municipalities, and the people of the State of California's vast racially motivated conspiracy to violate petitioner and other persons rights secured by Title 42 U.S.C. §§ 1981, 1982, and 2000. The only explanation given for this allowance is the conclusionary holding that the real party in interest is entitled to possession of the subject property. See App 4. One wonders how many other African American families in the State of California have been subjected to the treatment set out in this petition.

The judgment below is a departure from this Court's constitutional rulings and civil rights rulings. If allowed to be enforced, the ruling would sanction the criminal behavior of officials of the State of California and some of her citizens, and incite other states, municipalities, and persons to display open contempt for the Constitution and Laws of the United States.

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CONCLUSION

Petition for writ of certiorari should be granted.

Respectfully Submitted,

Dated: May 14, 2010

Julia A. McGee
5617 Bonniemae Way
Sacramento, California 95824
(916) 247-2413

Appendix 1

Court of Appeal, Third Appellate District – No. C064526

S181757

IN THE SUPREME COURT OF CALIFORNIA

En Banc

JULIA MCGEE, Petitioner,

V.

THE SUPERIOR COURT OF SACRAMENTO COUNTY, Respondent;

SORA MCGEE, Real Party in Interest

The application for stay and petition for review are denied.

George, C.J. was absent and did not participate.

SUPREME COURT
FILED
APRIL 14 2010
Frederick K. Ohlrich Clerk

Deputy

MORENO

Acting Chief Justice

IN THE
COURT OF APPEAL OF THE STATE OF
CALIFORNIA
IN AND FOR THE
THIRD APPELLATE DISTRICT

FILED
APRIL 1, 2010

JULIA MCGEE,
Petitioner
v.
THE SUPERIOR COURT OF SACRAMENTO
COUNTY,
Respondent
SORA MCGEE,
Real Party in Interest

C064526
Sacramento County
No. 09UD12194

BY THE COURT:

The petition for writ of mandate or prohibition with request for stay is denied.

Dated: April 1, 2010

BLEASE, Acting P.J.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

Date/Time	:	March 16, 2010
Dept. No.	:	12A
Judge	:	MARYANNE GILLIARD-
PRESIDING		
		GRETA FALL
		CHERYL MEEGAN
Clerk	:	BARBARA WILSON
Bailiff	:	DON HAWLEY
Reporter	:	NCR

JULIA MCGEE, Petitioner,

VS. Case No.: 2010-80000472

SUPERIOR COURT OF SACRAMENTO, Respondent

SORA MCGEE, Real Party in Interest

Nature of Proceedings: PETITION FOR WRIT OF MANDATE—STAY REQUESTED

The Court has received, read, and considered the Petition for Writ and Request for Stay filed March 12, 2010.

Petitioners' petition for writ and request for a stay has been reviewed and is **denied**.

MCGEE, JULIA
5617 BONNIEMAE WAY
SACRAMENTO, CA 95824

Court:
Superior Court of California, County of Sacramento
Unlawful Detainer Division
301 Bicentennial Circle
Sacramento, CA 95826-2701 – (916) 875-7746

Case Title:
SORA MCGEE vs. JAVON MCGEE Et. Al.

ORDER ON APPLICATION FOR STAY OF EXECUTION OF WRIT OF POSSESSION
Case Number: 09UD12194

The court, having considered the Ex Parte Application / Motion, written declaration and evidence, filed by JULIA MCGEE on March 10, 2010, rules as follows:

Stay of Execution of Writ of Possession is DENIED.
No good cause found.

IT IS SO ORDERED.

Date: March 10, 2010

(Signed Electronically /s/)

COMMISSIONER A. BRAVO

Court:
Superior Court of California, County of Sacramento
Unlawful Detainer Division
301 Bicentennial Circle
Sacramento, CA 95826-2701 – (916) 875-7746

Case Title:
SORA MCGEE vs. JAVON MCGEE Et. Al.

DEFAULT JUDGMENT, JUDGMENT AND NOTICE OF ENTRY OF DEFAULT JUDGMENT AND JUDGMENT

Case Number: 09UD12194

JAVON MCGEE
5617 BONNIEMAE WAY
SACRAMENTO, CA 95824

This matter came on regularly for Court Trial on March 01, 2010, at 9:00 AM, in Department 88 before the Honorable JUDGE THADD A. BLIZZARD, presiding.

Plaintiff SORA MCGEE was present with Attorney THOMAS M. HOGAN. Defendant JULIA MCGEE appeared in pro per. Defendant JAVON MCGEE failed to appear.

The Court having received evidence of the giving of timely notice of trial, and a jury trial having been duly waived, the Court having heard the testimony and considered the evidence, both oral and documentary, and a statement of decision not having been requested, and good cause appearing therefore, now orders judgment as follows;

The Court finds Defendant JAVON MCGEE was properly served with a copy of the summons and complaint and failed to answer the complaint or appear and defend the action within the time allowed by law. A default was entered by the clerk upon Plaintiff's application.

It is ORDERED, ADJUDGED and DECREED that:

Plaintiff SORA MCGEE is entitled to possession and a writ shall issue for the premises described as: 5617 BONNIEMAE WAY SACRAMENTO, CA 95824. The rental agreement is canceled.

Judgment applies to all occupants of the premises including tenants, subtenants, if any, and named claimants, if any (Code Civ. Proc. §§715.010, 1169, and 1174.3).

Defendants JAVON MCGEE and JULIA MCGEE shall pay plaintiff principal in the amount of

$2,400.00, plus attorney's fees in the amount of $-0, totaling $2,400.00, costs $(reserved).

Dated: March 01, 2010

(Original on File /s/)

Judge Thadd A. Blizzard
Superior Court of California, County of Sacramento
Unlawful Detainer Division

Court:
Superior Court of California, County of Sacramento
Unlawful Detainer Division
301 Bicentennial Circle
Sacramento, CA 95826-2701 – (916) 875-7746

Case Title:
SORA MCGEE vs. JAVON MCGEE Et. Al.

NOTICE REGARDING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND NOTICE OF HEARING FOR COURT TRIAL

Case Number: 09UD12194

JULIA MCGEE
5617 BONNIEMAE WAY
SACRAMENTO, CA 95824

This matter came on regularly for hearing on February 10, 2010, at 9:00 AM, in Department 88 before the Honorable COMMISSIONER ANA BRAVO, TEMPORARY JUDGE, presiding.

Attorney THOMAS M. HOGAN representing Plaintiff SORA MCGEE was present. Defendant JULIA MCGEE appeared in pro per.

The Motion for Summary Judgment requested by Defendant JULIA MCGEE was heard.

IT IS HEREBY ORDERED that the Motion is DENIED.

Notice to Defendant JULIA MCGEE and Attorney for Plaintiff THOMAS HOGAN:

You are hereby notified that the court has rescheduled the hearing of this Unlawful Detainer matter to:

March 01, 2010, at 9:00 AM, in Department 88, located at 301 Bicentennial Circle, Sacramento, California. To prove or defend this matter, bring with you all necessary books, papers and witnesses. If you have questions concerning the notification, contact the Clerk's office at (916) 875-7746 or (916) 875-7754. NOTE: The court requires ALL EXHIBITS to be pre-marked prior to hearing.

Dated: February 10, 2010

(Original on File /s/)

Commissioner Ana Bravo, Temporary Judge
Superior Court of California, County of Sacramento
Unlawful Detainer Division

JULIA McGEE
5617 Bonniemae Way
Sacramento, CA 95824
916-476-6505

COURT OF APPEALS FOR THE STATE OF CALIFORNIA,
IN AND FOR THE THIRD APPELLATE DISTRICT

JULIA A. McGEE, Et. Al., Petitioner,	)	CASE NO.:
v.	)	
SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF SACRAMENTO, Respondent,	)	
	)	TRIAL COURT NO.
SORA McGEE, Real Party in Interest	)	09UD12194

PETITION FOR WRIT OF MANDATE OR SUPERSEDEAS OR PROHIBITION

APPENDIX

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PETITION

TO THE HONORABLE PRESIDING JUSTICE AND THE ASSOCIATES JUSTICES OF THE CALIFORNIA COURT OF APPEALS IN AND FOR THE THIRD APPELLATE DISTRICT

INTRODUCTION

Nature of Case

1.) Petitioner is seeking a Writ of Mandate or Supersedeas or Prohibition directed respondent to stay the enforcement of the writ of execution and directing respondent to reverse its judgment and enter judgment in favor of petitioners. Petitioner is seeking the above

requested relief based on the grounds: that on the undisputed facts and plaintiff's testimony in the unlawful detainer action conclusively negates the elements of an unlawful detainer action and therefore judgment should be entered in favor of petitioner; the prosecution of the unlawful detainer action is being done through the use of fraud, perjury and forgery; and the action was prosecuted to punish petitioner and her family for exercising and asserting their rights secured by Title 42 USC §§ 1981, 1982 and 2000.

Why Extraordinary Relief is Warranted

2.) Extraordinary relief is warranted because: respondent has exercised power in excess of its jurisdiction and violated their constitutional or statutory limitations on its jurisdiction when it refused to enter summary judgment in petitioner favor, and entered judgment in favor of the real party in interest; the prosecution of this action is being done in bad faith in violation of CCP §§ 128.5, 446 and 1160; and this action is being prosecuted to punish petitioner and her family for exercising and asserting their rights secured by Title 42 USC §§ 1981, 1982 and 2000. Petitioner has no right of appeal from respondent's decisions to deny writ of mandate and the stay and will suffer

irreparable injury if the actions of respondent are not restrained. There is no amount of money that this Court could award petitioner for being forced to leave the property at issue in this case and being denied her right secured by the United States Constitution.

BENEFICIAL INTEREST OF PETITIONER; CAPACITY OF RESPONDENTS AND REAL PARTY IN INTEREST

3.) Petitioner Julia A. McGee, respectfully petition this Court for a Writ of Mandate or Supersedeas or Prohibition and stay directed to respondent, and by this verified petition allege that:

4.) Petitioner Julia A. McGee is the defendants in an action commenced in respondent's court action, entitled *McGee v. McGee, Et. Al.*, 09UD12194. The plaintiff in that action is Sora . McGee named in this petitioner as real party in interest.

5.) Respondent the Superior Court of California, County of Sacramento is now and at all times mentioned in this petition has been an inferior tribunal exercising judicial functions in connection with the unlawful detainer proceeding described below.

6.) Respondent the Honorable Thadd A. Blizzard is now, and at all times mentioned in this petition is a judge of respondent court and in that proceeding has been exercising power in excess of his jurisdiction in that he entered a judgment for possession and monetary damages against petitioner in an action which respondent had no jurisdiction to entertain.

7.) Petitioner is an appellant in a case pending before the Superior Court, County of Sacramento Appellate Division entitled *McGee v. McGee, Et. Al.*, 09UD12194, involving the same parties and issued as this action.

8.) Petitioner seeks extraordinary relief from this court in the first instance because in addition to the matters set out in paragraphs 1-105 the following circumstances make it proper and necessary that a writ issue from this Court : respondents decision to enter judgment against petitioners is in conflict with the important decisions in, *Francis v. West Virginia Oil Co.*, (1971) 174 C 168, 162 P 394 *O'Dell v. Buttrict* (1899) 126 C 55, 59 P. 133 and *Harper v. Raya* (1984) 154 CA 908, 201 CR 563; respondents decision not to enter summary judgment in favor of petitioners is in conflict with *Aguliar v. Atlanta Ritchfield Co.* (2001) 25 C 4th 826, 849;

this action is being prosecuted in violation of CCP §§ 128.5, 446 and 1166; and attorney for the real party in interest is prosecuting this action with the intent to punish petitioners for exercising and asserting their federal constituted rights.

9.) Respondent has determined that they have jurisdiction to entertain, hear, and determine the above-mentioned action as an unlawful detainer action and they threaten and will, unless restrained and prohibited by an order of this Court, to entertain, hear, and determine the proceeding, as demonstrated by the denial of petitioners motion for summary judgment and entering a judgment against petitioner on March 1, 2010. See Exhibits D[1], E and F[2]. The judgment and actions threatened to be taken by respondent is in violation of their constitutional limitations on its jurisdiction in that the judgment was entered in an action that was initiated through fraud, perjury and forgery and did not state a cause of action for unlawful detainer.

AUTHENTICITY OF EXHIBITS

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[1] Exhibit D is comprised of an order entering judgment and an order denying the stay.

[2] Exhibit F is comprised of motions for summary judgment, objections to motions and orders of Respondent.

10.) The exhibits accompanying this petition are true and correct copies of originals files with respondent's court. The exhibits paginated consecutively from page 1 to page 105. Page references in this petition are the consecutive pagination.

TIMELINESS OF THE PETITION

11.) On March 16, 2010 respondent's court issued an order denying petitioner's request for writ of mandate and stay of the proceedings. See exhibit A. This petition is filed because the real party in interest has the ability to enforce the judgment for the property described as 5617 Bonniemae Way Sacramento California 95824.

THIS CASE IS AN UNFAIR COMPETITION CASE PURSUANT TO BUSINESS AND PROFESSIONAL CODE §17209.

12.) The attorney in this action and others are engaged in unfair and fraudulent business acts and practices unfair, deceptive, untrue, and misleading tactics which have resulted in injury to petitioners, in violation of Unfair Competition Act Cal. Bus. & Prof. Cods §§ 17000 et seq...

13.) The actions of the attorney in this action as set forth below are racially motivated and discriminate against petitioner because she is African American and are in violation of the Fourteenth Amendment of the United States Constitution and Cal. Civil Code §§ 51.2 and 51.7.

BACKGROUND

Background History

14.) On or about August 25, 2005 Thomas Hogan; California State Senate; California State Assembly; California State Senator Don Perata; California State Assembly Member Fabian Nunez; California Governor Arnold Schwarzenegger; California Attorney General Bill Lockyear; the County of Sacramento; the Sheriff of Sacramento County, Lou Blanas; the Sacramento County District Attorney, Jan Scully; Al Locher; the City of Sacramento; the City of Sacramento, Mayor Heather Fargo; Sacramento City Council persons Bonnie Pannell and Robbie Waters; the Sacramento City Police Chief Albert Najera; the City of Elk Grove; MMDD Sacramento Project A General Partnership; Asset Investment Managers, Inc.; Margaret Seagraves; Sacramento Delta

Property Management, Inc.; and others began a conspiracy to punish defendants for exercising and asserting their rights secured by Title 42 USC §§ 1981, 1982 and 2000. On July 12, 2007 Gary Link, Mark McGee and Golden Valley Financial worked in concert to file this meritless action on behalf of plaintiff. On May 26, 2008 in furtherance of said conspiracy Gary L. Link, Mark McGee and Golden Valley Financial began working in concert with Thomas Hogan to harass, intimidate, and threaten defendants in an attempt to unlawfully force defendants away from the property as a punishment for exercising and asserting their federal constitutional rights.

15.) On April 3, 2006, the State of California, Arnold Schwarzenegger, William Lockyear, Donald Perata, Fabian Nunez, Jan Scully, Lou Blanas, the County of Sacramento, the City of Sacramento, and the City of Elk Grove supplied Thomas Hogan, Sacramento Delta Property Management Inc., John T. White, and others with personnel and weapons to be used to unlawfully force McGee and her family away from their residence and property.

16.) The State of California, Schwarzenegger, Lockyear, the City of Elk Grove, the County of Sacramento, Thomas Hogan, Sacramento Delta

Property Management, and others did not have a valid order from a court to evict McGee from the property located at 8553 Iris Crest Way Elk Grove, California 95624 on April 3, 2006 but evicted them anyway to punish McGee for filing complaints in the United States District Court for the Eastern District of California and the Superior Court of Sacramento County.

17.) In furtherance of the object of the conspiracy set out above, also on April 3, 2006, Thomas Hogan, John T. White, Sarah Laroa and the Sacramento County Sheriff's Department went to McGee's residence located at 8553 Iris Crest Way Elk Grove, California 95624 armed with guns, sticks, sprays, and other dangerous weapons and forced McGee and her family to leave their residence and property and not to return. The McGee's were deprived of their property by the State of California without a court order. McGee and her family left their residence and their property because the State of California threatened violence and arrest if they did not leave their residence and property. McGee and her family believed that the State of California would carry out her threat.

18.) On or about April 5, 2006, the McGee's moved into the property located at 5617

Bonniemae Way Sacramento, California 95824 because the State of California had unlawfully ordered them to leave their residence located at 8553 Iris Crest Way Elk Grove, California 95624 and threatened to arrest them if they returned. The property located at 5617 Bonniemae Way Sacramento, California was owned by the Richard C. and Sora L. McGee Trust.

19.) The unlawful eviction of McGee and her family on April 3, 2006, interfere with the orderly administration of justice in the United States District Court for the Eastern District of California and the Superior Court of Sacramento County in the cases entitled *McGee v. Seagraves* No. 0495-MCE-GGH-PS; *McGee v. CA State Senate et. al.* No. Civ.-S-05-2632-GEB-EFB-PS *McGee v. Seagraves et. al.*, Civ.-S-06-PAN-PS; and *Seagraves v. McGee et. al.*, No. 06UD01611.

20.) In or about January 2007, Marcus (Mark) McGee and Thomas McGee began working in concert to defraud Jefferson McGee and his siblings from their inheritance by arranging for unnecessary real estate transaction on properties belonging to the Richard C. and Sora L. McGee Trust for the purpose of earning commissions. Mark McGee

and Thomas McGee agreed to work with the Law Offices of Gary L. Link Attorney At law a Professional Law Corporation and Gary L. Link to unlawfully force McGee and her family away from the property known as 5617 Bonniemae Way Sacramento, California 95824 for the purpose of selling the afore mentioned property and earning a commission for selling the property.

21.) On or about May 1, 2007, Mark McGee incited by the conspiracy set out above requested Gary Link's aid in unlawfully evicting the McGee's from the property located at 5617 Bonniemae Way Sacramento, California 95824. Mark McGee informed Gary Link that the McGee's had not signed a rental agreement and had not agreed to pay rent. Mark McGee also told Gary Link that the property was held in a trust in which Richard C. McGee Jr., Dean E. McGee Sr., Rinnetta D. McGee, Mark McGee, Jefferson A. McGee, Sora E.J. McGee, and Thomas McGee were beneficiaries and Sora L. McGee was the trustee. Gary Link and Mark McGee agreed to commence the unlawful detainer proceedings although both Mark McGee and Gary Link knew Jefferson McGee and Julia McGee were not tenants of the property located at 5617 Bonniemae Sacramento, California 95824.

22.) On May 2, 2007, Gary L. Link vexed the McGee's and their family by serving a 60-day termination of tenancy notice with attachments on the McGee's although it was clear to Gary L. Link that no landlord-tenant relationship existed between Sora L. McGee and Jefferson McGee or Julia McGee.

23.) On July 11, 2007, Gary L. Link Attorney At Law A Professional Law Corporation and Gary L. Link prepared a meritless and frivolous complaint alleging Jefferson McGee and Julia McGee (the McGee's) were guilty of an unlawful detainer pertaining to the property located at 5617 Bonniemae Way Sacramento, California 95824, although he knew that no landlord tenant relationship existed between the McGee's and Sora L. McGee.

24.) Also, on July 11, 2007, Gary L. Link worked in concert to have Mark McGee subscribe and verify the complaint while having actual knowledge that Mark McGee did not own the property at issue in the complaint, and that Mark McGee was not the authorized agent for the owner of the real property located as 5617 Bonniemae Way Sacramento, California 95824.

25.) On July 12, 2007, Gary L. Link Attorney At Law A Professional Law Corporation and Gary L. Link filed the complaint in the Superior Court of Sacramento County Unlawful Detainer Division while having actual knowledge that Mark McGee's signing of the complaint constituted a conflict of interest, and a fraud on the Superior Court of Sacramento County. The action is entitled *McGee v. McGee et. al., No. 07UD02837.*

26.) The complaint filed in the matter of *McGee v.McGee et. al., case No. 07UD02837,* did not allege the existence of a lease or rental agreement (oral or written) between Jefferson McGee, Julia McGee and Sora L. McGee and did not allege that Jefferson McGee or Julia McGee entered into possession of the property known as 5617 Bonniemae Way Sacramento, California 95824 under a lease or rental agreement.

27.) On the face of the complaint filed on July 12, 2007, in the action entitled *McGee v. McGee et. al. No. 07UD02837* it was clear that no landlord-tenant relationship existed between the parties.

28.) On July 23, 2007, Jefferson McGee and Julia McGee filed a motion to quash the service

of the summons in the case entitled *McGee v. McGee, et. al, No. 07UD02837* on the grounds that: Jefferson McGee was not served with a copy of the summons and complaint as required by §§ 415.10 – 415.45 and 1167 of the code of civil procedure; no landlord-tenant relationship exists, thus the complaint does not state a cause of action; the complaint was uncertain, ambiguous and unintelligible; the 5-days to answer requirement violates the equal protection clause and due process clause of both the federal and state constitutions; and the action was completely without merit.

29.) On August 1, 2007, Superior Court of Sacramento County Unlawful Detainer Division granted the McGee's motion to quash and granted Sora L. McGee's request for leave to amend.

30.) On or about August 10, 2007 the McGee's filed a Notice of Motion and Motion for Summary Judgment and Separate Statement of Undisputed facts in the matter of *McGee v. McGee et. al., No. 07UD02832* setting forth the facts that no landlord tenant relationship exists and the fact that Mark McGee's actions in subscribing and verifying the complaint represented a fraud on the court and a conflict of interest.

31.) During the period of July 2007 and July 2008, Gary L. Link, Mark McGee, and Thomas McGee continued working in concert to deceive Sora L. McGee into continuing to prosecute the unlawful detainer action entitled *McGee v. McGee et. al., No. 07UD02837* while having actual knowledge that the complaint was filed by use of fraud and perjury, and that the complaint could not in good faith be amended to state a cause of action for an unlawful detainer.

32.) During the period of July 2007 and July 2008, Mark McGee, Gary Link and Thomas McGee requested Thomas Hogan's aid in prosecuting the unlawful detainer action entitled *McGee v. McGee et. al. No. 07UD02837*. Mark McGee, Gary Link and Thomas McGee supplied Thomas Hogan with the: original complaint; the motion to quash; the motion for costs and attorney fees; the motion for summary judgment; and all documents on file in the action of *McGee v. McGee et. al. No. 07UD02837*. Thomas Hogan read all the above-mentioned documents and became aware that no landlord-tenant relationship existed between the McGee's and the Richard C. and Sora L. McGee Trust. Thomas Hogan also became aware that Jefferson McGee was a beneficiary to the trust.

Thomas Hogan was further aware that he and the McGee's were embroiled in civil litigation and thus his representation in the above mentioned matter constitutes a conflict of interest. Thomas Hogan agreed to aid Mark McGee, Gary Link, and Thomas McGee in prosecuting the meritless unlawful detainer action to punish the McGee's for filing complaints in the federal and state courts alleging Thomas Hogan and his clients were violating the McGee's civil rights.

33.) Thomas Hogan agreed to aid Mark McGee, Thomas McGee and Gary L. Link in their conspiracy to defraud McGee and his siblings out of their inheritance in furtherance of the State of California's, Arnold Schwarzenegger's, William Lockyear's, Jerry Brown's, Jan Scully's, Lou Blanas', the County of Sacramento's, the City of Sacramento's, the City of Elk Grove's, Heather Fargo's, Bonnie Pannell's and others vast racially motivated conspiracy.

34.) On July 30, 2008, in furtherance of the conspiracy set out above, Thomas Hogan prepared an amended complaint in the matter of *McGee v. McGee et. al. No. 07UD02837.* The amended complaint mentioned above was not based on the same operative facts alleged in the

complaint filed on July 12, 2007 in the same matter. Thomas Hogan then used his status as a member of the California State Bar Association, and an attorney admitted to practice law in the Superior Court of California to induce McGee's 79 year old mother-in-law Sora L. McGee into signing the pleading that was sufficient on its face but so clearly and indisputably false that it presented no real issue of fact to be determined by a trial. Sora L. McGee signed the amended complaint.

35.) On August 6, 2008, Thomas Hogan filed the sham amended complaint in the matter of *McGee v. McGee et. al. No. 07UD02837* while knowing the allegations and other factual contentions in the amended complaint were contradictory to allegations and factual contentions made in the complaint filed on July 12, 2007.

36.) On August 12, 2008, in furtherance of the conspiracy set out above, Thomas Hogan attempted to deter Jefferson McGee and Julia McGee from prosecuting the Superior Court of Sacramento County action entitled *McGee v. Seagraves et. al., No. 06AS05145* by serving Jefferson McGee the sham summons and amended complaint filed in the action of *McGee v. McGee et. al., No. 07UD02837* in Department

59 of Superior Court of Sacramento County during a mandatory settlement conference in the action entitled *McGee v. Seagraves et. al., No. 06AS05145.*

37.) The amended complaint filed in the action of *McGee v. McGee et. al. No. 07UD02837* was based on a completely different set of facts than the original complaint filed in the same action.

38.) On August 25, 2008, Jefferson McGee and Julia McGee filed and served a Notice and Motion for Summary Judgment and Summary Adjudication in the matter of *McGee v. McGee et. al., No. 07UD02837* on the grounds that there were no genuine issues of material facts as to Sora L. McGee's unlawful detainer action and Jefferson McGee and Julia McGee were entitled to a judgment as a matter of law. The motion for summary judgment and summary adjudication was based on the code of civil procedure § 437c, the declarations of Jefferson A. McGee and Julia A. McGee, the attached memorandum of points and authorities, the separate statement of undisputed facts, the request for judicial notice, and all papers, records, and documents on file. The following are the undisputed facts in the matter of *McGee v. McGee et. al. No. 07UD05837.*

a. Plaintiff did not allege the existence of a lease agreement (oral or written);
b. No lease agreement or rental agreement (oral or written) existed between plaintiff and defendants;
c. Defendants did not enter into the property at issue in this action under a lease agreement or rental agreement (oral or written); The complaint cannot be amended in good faith to state a cause of action for an unlawful detainer;
d. The filing of the complaint on behalf of Sora McGee "Trustee of the McGee Family Trust" and allowing Mark McGee to sign the verification constitutes a conflict of interest, a fraud on this court, and a violation of California Code of Civil Procedure §§ 446 and 1166;
e. The filing of the amended complaint on August 6, 2008 was frivolous, meritless, and done in bad faith;
f. McGee had to spend hours defending the case.

39.) On September 2, 2008, during hearing on the McGee's motion for summary judgment or summary adjudication in the matter of *McGee v. McGee, et. al., No. 07UD02837*, neither Thomas Hogan nor Sora L. McGee objected to

any of the fourteen separate undisputed facts set forth by Jefferson McGee and Julia McGee in the motion for summary judgment.

40.) Also, on September 2, 2008, Superior Court of Sacramento County Unlawful Detainer Division denied the McGee's motion for summary judgment or summary adjudication in the matter of *McGee v. McGee et. al., No.07UD02837*, although based on the undisputed facts no triable issue of material facts existed and the McGee's were entitled to summary judgment as a matter of law.

41.) On September 3, 2008, the unlawful detainer action entitled *McGee v. McGee et. al., No. 07UD02837* went to trial in the Superior Court of Sacramento County Unlawful Detainer Division. During the trial, Mark McGee testified that he was not a licensed real estate broker, and was not the authorized agent of the owner, for the property described in the unlawful detainer.

42.) Also, during the trial in the matter of *McGee v. McGee et. al., No. 07UD02837*, Thomas Hogan continued to prosecute the unlawful detainer action although he heard testimony from Mark McGee that affirmed the fact that Mark McGee was not the authorized agent for Sora L. McGee, when he subscribed

and verified the complaint filed on July 12, 2007 in the same action.

43.) During the trial in the matter of *McGee v. McGee et. al., No. 07UD02837* judgment was entered in favor of Soa L. McGee for possession of the property at issue in the unlawful detainer action. The judgment was entered based on the fact that Mark McGee was the authorized agent for the property described in the complaint for unlawful detainer, although Mark McGee was not the authorized agent of Sora L. McGee for the property at issue in the unlawful detainer action.

44.) The judgment of the Superior Court of Sacramento County Unlawful Detainer Division in the matter of *McGee v. McGee et. al., No. 07UD02837* was obtained through Mark McGee's, Gary L. Link's, and Thomas Hogan's fraud and perjury in filing and prosecuting the matter of *McGee v. McGee et. al., No. 07UD02837*, and was obtained in furtherance of the vast racially motivated conspiracy set out in this statement of undisputed facts.

45.) On September 9, 2008, the McGee's filed a Notice of Appeal in Superior Court of Sacramento County Appellate Division

appealing the judgment in the matter of *McGee v. McGee et. al., No. 07UD02837.*

46.) Also, on September 9, 2008, the McGee's moved the trial court to stay the judgment in the matter of *McGee v. McGee et. al., No. 07UD02837* and set forth facts that the complaint was filed without probable cause and for the purpose of harassing and maliciously injuring the McGee's to punish them for exercising and asserting their rights secured by *Title 42 U.S.C. §§ 1981, 1982, and 2000.* The trial court denied the McGee's request for a stay.

47.) On September 10, 2008, McGee filed a Writ of Mandate or Superseded or Prohibition in Superior Court of Sacramento County Civil Division requesting a stay of the judgment entered on September 3, 2006 in the case of *McGee v. McGee No. 07UD05837.* The action was entitled *McGee v. Superior Court County of Sacramento* No. 34-2008-80000050-CU-WM-GPS

48.) On September 19, 2008, Superior Court of Sacramento County deemed the writ to be a motion for reconsideration of the order denying summary judgment and Superior Court of Sacramento County on its own motion ordered

consolidation for all purposes the case of *Jefferson A. McGee and Julia A. McGee No. 34-2008-80000050-CU-WM-GDS* with Jefferson A. McGee and Julia A. McGee's appeal to the Superior Court of Sacramento County, and sent Sacramento County Counsel a copy of the order.

49.) Also, from October 17, 2008 through October 23, 2008, Thomas Hogan, Mark McGee, and Thomas McGee requested the County of Sacramento Sheriff's Department aid in unlawfully evicting Julia McGee and her family from the property located at 5617 Bonniemae Way Sacramento, California 95824.

50.) The County of Sacramento had been served the Superior Court of Sacramento County September 19, 2008 order in the action entitled *McGee et. al., v. Superior Court Sacramento County No. 34-2008-80000050-CU-WM-GDS* ordering the following cases consolidated for all purposes: "*Jefferson A. McGee and Julia A. McGee v. Superior Court of the State of California County of Sacramento case No. 34-2008-80000050-CU-WM-GDS* and *Sora McGee Trustee v. Jefferson McGee, Julia McGee case No. 07UD05837.* Sacramento County counsel, Robert Ryan, received the above mentioned order and read the order, and

became aware that the writ of execution issued in *McGee v. McGee et. al., No. 07UD05837* had been stayed.

51.) The County of Sacramento Council, Robert Ryan, consulted with the Sacramento County Sheriff Department Civil Division and the County of Sacramento decided to aid Thomas Hogan, Mark McGee, Thomas McGee, and Gary L. Link in unlawfully evicting McGee and her family from the property located at 5617 Bonniemae Way Sacramento, California 95823. The County of Sacramento decided to aid in the unlawful eviction to retaliate against the McGee's for filing civil actions in the federal and state courts complaining that the County of Sacramento and state officials were engaged in a racially motivated conspiracy to violate the McGee's and other persons civil rights.

52.) The State of California also agreed to supply Thomas Hogan, Mark McGee, Thomas McGee, and Gary L. Link with false documents issued from the sheriff's department, people, guns, sticks, teasers, sprays and automobiles to force Julia McGee and her family away from the property known as 5617 Bonniemae Way Sacramento, California 95824, without a valid court order and to prevent the McGee's from fully participating in the October 24, 2008 trial

in the matter *McGee et. al., v. Seagraves et. al., No. 06AS05145.*

53.) On October 17, 2008, the State of California began posting documents from the Sacramento County sheriff's department on the front door of the property located at 5617 Bonniemae Way Sacramento, California, and ordering McGee and her family to vacate the property. The State of California, John McGuiness and deputy Shim's actions of posting false official documents on the front door of the property known as 5617 Bonniemae Way Sacramento, California 95824 caused Jefferson McGee and Julia McGee fear and mental anguish, and deter them from freely prosecuting their appeal.

54.) On October 23, 2008, the Superior Court of Sacramento County Appellate Division issued an order in the action entitled *McGee v. McGee et. al., No. 07UD05837* informing Jefferson McGee that he had not deposited the fee for the reporter's transcript and also informing McGee that if the fees were not timely deposited the record would be prepared without the reporter's transcript.

55.) Also, on October 23, 2008, the State of California, the Sheriff of Sacramento County, and John McGuiness directed two Sacramento

County Sheriff deputy Shim and another deputy to go to the property located at 5617 Bonniemae Way Sacramento, California 95824 without a court order armed with guns, sticks, teasers, sprays and automobiles and aid Thomas McGee and Mark McGee in breaking into the property and to unlawfully evict Julia McGee and her family from the property.

56.) The State of California, the County of Sacramento, John McGuiness, Thomas Hogan planned, calculated and orchestrated the racially motivated unlawful eviction of Julia McGee and her family from the property located at 5617 Bonniemae Way Sacramento, California 95824 on October 23, 2008: (1) in furtherance of the racially motivated conspiracy set out above; (2) to hinder and obstruct and deter Jefferson McGee and Julia McGee from attending trial in the case of *McGee et. al., v. Seagravs et. .al. No. 06AS05145* on October 24, 2008 and testifying therein freely, fully and truthfully about Lou Blanas', Thomas Hogan's, Sacramento Delta Property Management's and John T. White's robbery of McGee and her family; and (3) to punish McGee and her family for filing actions in the federal and state courts detailing the State of California's, Thomas Hogan's, Jan Scully's and others vast racially

motivated conspiracy to violate McGee and others civil rights.

57.) The posting of official documents from the State of California and the Sacramento County Sheriff's department on the front door of the property located at 5617 Bonniemae Way Sacramento, California 95824, the unlawful forcible entry, and the unlawful forcible detainer of the property located at 5617 Bonniemae Way Sacramento, California 95824 on October 23, 2008 caused McGee extreme mental anguish, fear, and it interfered with the McGee's system of receiving orders from the court.

58.) As a result of the mental anguish, fear and disruption of his system of maintaining court files, McGee was unable to freely and fully perfect their appeal in the case of *McGee v. McGee 07UD05837* and freely and fully attending and testifying at the trial in the matter of *McGee et. al. v. Seagraves et. al.*, No. *06AS05145*.

59.) On December 16, 2008, McGee filed an opening brief in the Superior Court of Sacramento County's Appellate Division in the case of *McGee v. McGee et. al., No. 07UD05837* pointing to evidence that Thomas Hogan and

Gary Link had used fraud and perjury to obtain a judgment in the underlying unlawful detainer action and served copies of the Opening Brief on Edmund G. Brown Jr., Attorney General for the State of California and Jan Scully the District Attorney of the County of Sacramento.

60.) On or about December 21, 2008, California Attorney General Edmund G. Brown Jr. received McGee's opening brief in the case of *McGee v. McGee et. al., No. 07UD05837* read the brief and became aware that the State of California, John McGuiness, Thomas Hogan, Gary Link, Mark McGee and Thomas McGee had engaged in unfair business practices, fraud, and perjury in furtherance of the conspiracy set out above, and should be prosecuted for their actions as set out in the opening brief. Edmund G. Brown Jr. was also aware he had aided in defending Arnold Schwarzenegger, William Lockyear, Jerry Meyer, Investigator Sutton, Investigator Freitas, Reba Chastain, Diane Fouts, in the matter of *McGee v. CA State Senate et. al* No. *Civ. S-05-02632 GEB PAN PS.*

61.) Edmund G. Brown Jr. had also received and read all papers and records on file in the United States District Court for the Eastern District of California *McGee v. CA State Senate*

et. al. Civ. S 05-02632 GEB PAN PS, and was aware that Arnold Schwarzenegger, William Lockyear, California State Assembly, California State Senate, Don Perata, Fabian Nunez, Lou Balnas, Jan Scully, the County of Sacramento, the City of Sacramento and others had admitted to conspiring with Thomas Hogan to commit racially motivated crimes against McGee and others in furtherance of a vast racially motivated conspiracy to violate the McGee's and others civil rights. Brown was also aware that he had used the resources of CDOJ in furtherance of said conspiracy.

62.) Edmund G. Brown Jr. was further aware that he had aided Arnold Schwarzenegger, William Lockyear, Jerry Meyer, Investigator Sutton, Investigator Freitas, Rheba Chastam, and Diane Fouts who had admitted to committing criminal acts against McGee and others and that he had used CDOJ to cover up racially motivated crimes, and therefore he was a co-conspirator in the vast racially motivated conspiracy set out in this cause of action.

63.) After reading the opening brief mentioned above Edmond G. Brown Jr. refuse to assure that McGee and her family's federal constitutional rights were being protected the same as European American's constitutional

rights were protected because McGee and her family were African American, and to cover up his racially motivated crimes he had conspired to commit against the McGee's.

64.) As a direct and proximate result of the unlawful forcible entry and detainer of the property located at 5617 Bonniemae Way Sacramento, California 95824, on October 23, 2008 the judgment in the case *McGee v. McGee* No. *07UD05837* was affirmed without the McGee's being given a fair opportunity to present the reporter's transcript as evidence for why the judgment should be reversed.

65.) On February 20, 2009, at oral arguments on appeal in the case of *McGee v. McGee et. al. No. 07UD02837* Jefferson McGee requested an opportunity to file a motion to augment the record on appeal with the reporter's transcripts, and Superior Court of Sacramento County's Appellant Division denied the McGee's request and affirmed the judgment.

66.) On March 9, 2009, Jefferson McGee filed a Petition for Rehearing with Superior Court of Sacramento County's Appellant Division and supplied Superior Court of Sacramento County Appellant Division with undisputed evidence that the State of California, John McGuiness,

Deputy Shim, another deputy, Thomas Hogan, Gary L. Link, Mark McGee, Thomas McGee, and other persons had conspired to obstruct the administration of justice in the appellate action and thereby prevented the McGee's from timely depositing the fees for the reporter's transcripts or from making other arrangement.

67.) Neither Thomas Hogan nor Sora L. McGee disputed any of the evidence the McGee's supplied Superior Court of Sacramento County's Appellate Division in support of his Petition for Rehearing.

68.) On June 2, 2009, Jefferson McGee filed a Petition for Writ of Mandate and Request for Judicial Notice in the Court of Appeal of the State of California In And For the Third Appellate District asking the court to review the Superior Court's order affirming the judgment in the matter of *McGee v. McGee et. al., No. 07UD05837* and served a copy on both Thomas Hogan and the California Attorney General Edmund G. Brown Jr. The case was entitled *McGee v. Superior Court of Sacramento County C062003.* The Court of Appeal denied Jefferson McGee's request on June 4, 2008.

69.) On July 2, 2008 Jefferson McGee's filed a Petition for Review in the Supreme Court of California the case was entitled *McGee v. Superior Court of Sacramento County No. S174388.* The petition asks the Court to review the Court of Appeal of the State of California In And For The Third Appellate District order denying Jefferson McGee's petition for a Writ of Mandate or Prohibition and his Motion for Judicial Notice in the case of *McGee v. Superior Court of Sacramento County No. C062003 (Sora L. McGee the Real Party In Interest).* On August 19, 2009 the Supreme Court of California denied the Petition for Review.

70.) On September 28, 2009, Jefferson McGee filed a petition for Writ of Certorari in the Supreme Court of the United States the case is entitled *McGee v. Superior Court of Sacramento County No. 09-613.* Jefferson McGee requested the Supreme Court of the United States to review the August 19, 2009 order of the California Supreme Court in the case of *McGee v. the Superior Court of Sacramento County No. S174388* denying Jefferson McGee's review of the California Court of Appeal In And For The Third Appellate District order denying McGee's petition for a Writ of Mandate or Prohibition. Jefferson McGee served Thomas M. Hogan, the

attorney of record for Sora L. McGee, a copy of the petition.

71.) On October 23, 2009, Thomas Hogan, Thomas McGee and Mark McGee became angry because Jefferson McGee had served Sora L. McGee a copy of the Petition for Writ of Certiorari and began to work on a plan to punish Jefferson McGee for continuing to try and have the judgment in the Superior Court of Sacramento County case *McGee v. McGee et. al., No. 07UD052837* over turned. On October 23, 2009, in retaliation for Jefferson McGee filing a Petition for Writ of Certiorari in the United States Supreme Court, Thomas Hogan served Javon McGee and Julia McGee a 30-day Notice to Quit (Termination At Will Tenancy) notifying Javon McGee and Julia McGee to deliver up possession of the real property located at 5617 Bonniemae Way Sacramento, California 95824 within 30 days of the notice. The Notice to Quit purportedly was signed by Sora L. McGee. The serving of the Notice to Quit on Julia McGee and Javon McGee was done without cause and the Notice to Quit was meritless.

72.) At no time before Thomas Hogan served the Notice to Quit on Julia McGee and Javon McGee did Thomas Hogan have any reason to

believe that Julia McGee and Javon McGee had entered into a landlord-tenant relationship with Sora L. McGee for the property located at 5617 Bonniemae Way Sacramento, California 95824. In fact Thomas Hogan had been the attorney representing Sora L. McGee in an unlawful detainer action pertaining to the same property pending in the United States Supreme Court in the matter of *McGee v. the Superior Court of Sacramento County (Sora L. McGee the Real Party In Interest) No. 09-613.* Thomas Hogan had actual knowledge that Jefferson McGee and Julia McGee had been in possession of the property set out in this paragraph since April 5, 2006 and that no writ of possession had been served on the McGee's and that the McGee's had not surrendered the property to Sora McGee.

73.) On November 30, 2009, Jefferson McGee served Thomas Hogan, Attorney of Record for Sora L. McGee Real Party In Interest a Notice that a Petition for Writ of Certiorari was docketed in the United States Supreme Court and a waiver form. The Notice informed Thomas Hogan that the case of *McGee v. Superior Court of Sacramento County* No. 09-613 had been docketed in the U.S. Supreme Court and that Sora McGee brief in opposition was due on Monday December 21, 2009.

Procedural History

74.) On October 23, 2009, plaintiff prepared a Notice to Quit (Termination of At Will Tenancy) and had it served on Javon A. McGee and Julia A. McGee on October 26, 2010. The Notice to Quit ordered defendants to surrender possession of the property known as 5617 Bonniemae Way Sacramento, California 95824 (the property)in 30 days.

75.) On December 3, 2009, plaintiff signed a verification, asserting "[t]he forgoing complaint is true and correct of my own knowledge except as to the matters stated in my information and belief and as to those matters I believe it to be true," and gave the verification to Golden Valley Financial and Thomas Hogan.

76.) On December 10, 2009, Thomas Hogan prepared a complaint for unlawful detainer alleging that Javon A. McGee and Julia A. McGee had entered into an oral agreement with plaintiff on October 25, 2009 to rent the property known as 5617 Bonniemae Way Sacramento, California 95824 for $750.00. The complaint alleged that defendant agreed to rent the property from plaintiff two days after plaintiff had signed the 30-day Termination of

At Will Tenancy requesting defendant to surrender possession of the property back to plaintiff.

77.) Also, on December 10, 2009, Thomas Hogan subscribed the unlawful detainer complaint in this action on behalf of plaintiff and fraudulently altered the verification that plaintiff had signed on December 3, 2009 to read December 10, 2009.

78.) On December 29, 2009, Thomas Hogan filed the false and misleading unlawful detainer complaint and the forged verification with this Court naming Julia McGee and Javon McGee defendants in this unlawful detainer action while having actual knowledge the complaint was false.

79.) On January 8, 2010 defendant Julia McGee filed a motion to quash setting forth Thomas Hogan's use of fraud, perjury, and forgery in this action and setting out the facts that: Sora McGee was not suing in her capacity as trustee for the owner of the property (Trustee of the Richard C. and Sora L. McGee Trust) and the filing of this action was done in furtherance of the State of California's ongoing conspiracy to evict Julia McGee and her family from the property at issue in this action.

80.) On January 19, 2010, the Court heard defendant's motion to quash and denied the motion to quash although plaintiff had not made any objection to the allegations of the verified motion to quash.

81.) On January 25, 2010, defendant Julia McGee filed an answer to the fraudulent complaint for unlawful detainer.

82.) On or about January 26, 2010 Thomas Hogan requested the clerk enter a default and default judgment against Javon McGee based on the complaint that was filed through the use of fraud, perjury, and forgery. The clerk granted plaintiff a default judgment against Javon McGee based on misleading statements made in the complaint and based on the forged verification.

83.) On January 28, 20101 defendant Julia McGee filed a motion for summary judgment, a request for judicial notice and a statement of undisputed facts in this case.

84.) On Or about February 4, 2010, plaintiff filed a response to defendant's motion for summary judgment, but supplied no evidence of an oral rental agreement entered into on

October 26, 2009 between plaintiff and defendant. Plaintiff also did not supply any evidence that defendant agreed to rent the property known as 5617 Bonniemae Way Sacramento, California 95824 for $750.00 per month.

85.) On February 10, 2010 the Court heard defendant's motion for summary judgment and denied defendant's motion for summary judgment and set a hearing (trial) for March 1, 2010, although plaintiff did not supply any evidence showing there were any disputes over the fact that no rental agreement existed between plaintiff and defendant.

86.) On March 1, 2010, plaintiff testified in court and admitted that she had not entered into an oral agreement with defendant Julia McGee to rent the property for $750.00. Plaintiff did not put forth any evidence at the hearing for a motion for summary judgment or at trial to prove her allegation that on October 26, 2009 plaintiff and defendant entered into an oral rental agreement. The court entered judgment in favor of plaintiff.

87.) On March 10, 2010 petitioner filed a motion for stay of execution for the writ of possession in the underlying unlawful detainer

action and the trial court denied her motion on that same day. (See Exhibit)

88.) On March 12, 2010 petitioner petitioned the trial court's appellate division for a petition for a writ of mandate and stay of execution of the writ of execution and on March 16, 2010 respondent's appellate division denied petitioner's request for petition for mandate and request for stay.

89.) On March 15, 2010 respondent unlawfully locked petitioner out of the property located at 5617 Bonniemae Way Sacramento, California 95824.

90.) Petitioner now petitions this court for a petition of mandate prohibition or superseadence and to stay the execution of the judgment.

FACTS[3]

i.

91.) The complaint filed in this action is false and misleading because the undisputed facts in this case show that on October 25, 2009

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[3] The facts in this action are set forth in the statement of undisputed facts filed on January 28, 2010 in this action.

defendants did not enter into an oral agreement to rent the property at issue in this action from plaintiff, nor did defendants on October 25, 2009 agree to pay $750.00 a month to rent the property from plaintiff.

ii.

92.) The verification filed in this action is a forgery because Thomas Hogan fraudulently changed the date of the verification from reading December 3, 2009 to read December 10, 2009.

iii.

93.) Thomas Hogan filed the fraudulent complaint and forged documents in this action in furtherance of a racially motivated conspiracy to violate defendant and her families rights secured by Title 42 U.S. C. §§ 1981, 1982 and 2000.

INJURIES

94.) As a direct result of Respondent's refusal to enter summary judgment in petitioner favor, petitioners are forced to continue to defend against a suit that is being prosecuted in bad faith.

95.) As a direct result of Respondents refusal to enter a summary judgment in favor of petitioner Thomas Hogan, Gary Link, Mark McGee and Golden Valley Financial are able to do more acts in furtherance of the conspiracy set forth in paragraph 12.

96.) As a direct result of respondents refusing to enter a summary judgment in favor of petitioner, petitioner is continuing to be harassed by Thomas Hogan, Mark McGee Gary Link, and Golden Valley Financial.

97.) As a direct result of respondents exercising power in excess of its jurisdiction petitioner is being evicted under the unlawful detainer statutes although the real party in interest failed to state a cause of action for unlawful detainer.

98.) As a direct result of respondents exercising power in excess of its jurisdiction, respondent threatens to proceed and execute a writ of execution and will do so unless restrained by this Court.

99.) The above-described actions set forth in this petition, of respondent was unconstitutional, beyond the power or

jurisdiction of any respondent, and a prejudicial abuse of discretion in that respondent did not have jurisdiction to enter judgment in any action which does state a cause of action for unlawful detainer; the actions of respondent were prejudicial per se because they denied petitioner her right to have the action dismissed against her for failure to state a cause of action for unlawful detainer.

100.) Petitioner will lose her rights to possession of the property at issue in this action if respondent and the real party in interest are allowed to execute a writ of possession and the judgment described in paragraph 6 of this petition.

101.) Petitioner will be irreparably injured in that executing the writ of possession and refusing to annul the above-described judgment would allow Thomas Hogan to further punish petitioner for exercising and asserting her rights secured by Title 42 USC §§ 1981, 1982 and 2000.

102.) Mandate or supersedeas or prohibition are the only methods available to obtain review of respondent's judgment because petitioner has no right to appeal

respondent's denial of her request for a stay, and if the writ of execution is executed petitioner will suffer irreparable injury.

WHEREFORE, petitioner respectfully pray that:

1. This Court immediately stay any writ of possession in the action entitled *McGee v. McGee Et. Al.*, Case No. 09UD12194.

2. The court order respondent to reverse its judgment and enter judgment in petitioner's favor dismissing this action.

3. An alternative writ of mandate or supersedeas or prohibition issued under the seal of this Court commanding respondent to desist and refrain from taking any further action or proceedings including the execution of the writ of possession in the above-described action until further order of this Court, at a time and place then or thereafter specified by this Court, and directing and requiring respondent and real party in interest to show cause before this Court, at a time and place then or thereafter specified by court order, why it should not be absolutely and forever restrained from any further proceedings in the matter; or show cause before this Court at a time and place then

or thereafter specified by Court order why they have not done so and why a preemptory writ should not issue.

4. On the return of the alternative writ and hearing on order to show cause, a preemptory writ of prohibition issued under seal of this Court restraining respondent absolutely and forever from taking any further proceeding in this matter.

5. This Court award petitioner actual damages, punitive damages plus the cost of this action.

6. This Court award petitioner attorney fees.

7. The Court grant such other relief as may be just and proper.

Dated: March 22, 2010

Respectfully submitted,

_____

Julia A. McGee

VERIFICATION

State of California, County of Sacramento

I, the undersigned, declare:

I am a petitioner in this action. All the facts alleged in the above document are true and of my own personal knowledge. I have read the above Petition for Writ of Mandate or Superseadas and know its contents. All facts alleged in the petition are true of my own personal knowledge.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on March 22, 2010 at Sacramento, California.

_____

Julia A. McGee

MEMORANDUM IN SUPPORT OF WRIT OF MANDATE AND APPLICATION FOR TEMPORARY STAY

PETITIONER HAS A CLEAR, PRESENT AND BENEFICIAL RIGHT TO HAVE RESPONDENT ENTER A JUDGMENT IN HER FAVOR DISMISSING RESPONDENT'S ACTION ENTITLED *MCGEE V. MCGEE ET. AL., NO. 09UD12194.*

1.) Petitioner has a clear, present, and beneficial right to have a judgment dismissing respondent's action in favor of petitioner because the existence of a landlord-tenant relationship is a condition precedent to unlawful detainer action, and must be stated in the complaint. *Francis v. West Virginia Oil Co.* (1917) 174 C 168, 162 P. 394. The complaint must allege: (1) the existence of a lease or rental agreement (oral or written); and (2) that the tenant entered into possession under it, no longer has a right to possession, and yet remains in possession. If the term has expired and the tenant is still in possession, the landlord-tenant relationship, for the purpose of unlawful detainer statutes continues until the tenant surrenders possession. *O'Dell v. Buttrick* (1899) 126 C 55, 59 p. 133.

2.) Respondent as a matter of law should have entered judgment in favor of petitioner because a defendant moving for summary judgment or summary adjudication by attacking a specific cause of action in the complaint may meet its original burden by: (1) conclusively negating one or more elements of the cause of action; or (2) using the plaintiff's response to discovery or other evidence to show that plaintiff does not possess, and cannot

reasonably obtain necessary evidence to support that cause of action. See *Aguilar v. Atlantic Richfield Co.* (2001) 25 C 4th 826, 849.

3.) The undisputed facts in this action conclusively show: (1) Julia McGee has not at any time agreed to rent the property located at 5617 Bonniemae Way Sacramento California 95824 from Sora McGee by an oral or written agreement; (2) Julia McGee and Jefferson McGee have been in possession of the property known as 5617 Bonniemae Way Sacramento, California 95824 since April 5, 2006; (3) Sora McGee prepared the 30-days to Quit Notice giving defendants 30-days to vacate 5617 Bonniemae Way Sacramento, California 95824 on October 23, 2009 two days prior to the date she purportedly entered into an oral agreements to rent the property located at 5617 Bonniemae Way Sacramento California 95824 to Julia McGee; (4) Thomas Hogan fraudulently altered the date Sora McGee purportedly signed the verification from 12/03/09 to 12/10/09 to deceive the court into believing that Sora McGee read the complaint that Thomas Hogan had prepared and subscribed on 12/10/09; (5) the filing of the unlawful detainer action entitled *McGee v. McGee el al. No. 09UD12194* was done in furtherance of the State of California's and her officers ongoing

conspiracy to evict Julia McGee and her family from the property located at 5617 Bonniemae Way Sacramento California 95824 and to interfere with the orderly administration of justice in the United States Supreme Court; (6) the respondent action entitled *McGee v. McGee et. al., No. 09UD12194* is being prosecuted in bad faith; and (7) the respondent action entitled *McGee v. McGee et. al., No. 09UD12194* cannot in good faith be amended to state an action for unlawful detainer. (See Exhibit K)

4.) On March 1, 2010 plaintiff Sora McGee testified in court at a trial or hearing and admitted that she had not entered into an oral agreement with defendant Julia McGee to rent the property located at 5617 Bonniemae Way Sacramento California 95824 for $750.00 per month. Also, during the trial or hearing plaintiff did not produce any evidence to show that on October 25, 2009 she entered into an oral agreement to rent the property located at 5617 Bonniemae Way Sacramento California 95824 with defendants.[4]

5.) The undisputed facts and plaintiff's own testimony in the matter of *McGee v. McGee et.*

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[4] Petitioner has ordered tape recordings of hearing in the trial court and is awaiting the trial court to deliver her copies.

al., No *09UD12194* clearly negates one or more elements of plaintiff's unlawful detainer action and shows Thomas Hogan, Arnold Schwarzenegger, Edmund G. Brown Jr. and some state officials have conspired or aided and excited other persons to use fraud, perjury, and forgery in obtaining the judgment at issue with the purposeful intent to unlawfully evicting petitioner and her family from their residence in furtherance of a racially motivated conspiracy to violate petitioner and her family's rights secured by Title 42 U.S.C. §§ 1981, 1982, and 2000.

THE TRIAL COURT HAS FAILED TO PREVENT THOMAS HOGAN FROM WORKING IN CONCERT WITH STATE OFFICIALS TO DEPRIVE PETITIONER AND HER FAMILY OF THEIR RIGHTS SECURED BY THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION

6.) The trial court has failed to prevent Thomas Hogan from working in concert with state officials to deprive petitioner and her family of their rights secured by the fourteenth amendment to the United States Constitution. The enforcement of the judgment and writ of execution in the matter of *McGee v. McGee et. al. No. 09UD12194* would violate the fourteenth amendment to the United States

Constitution because Thomas Hogan is acting jointly with state officials in an attempt to evict petitioner and her family from their residence on the grounds of their race. The racially motivated attempt to evict petitioner and her family from her residence in the matter of *McGee v. McGee et. al., No. 09UD12194* is deemed state action and under color of law. *Monroe v. People (1961) 365 U.S. 167, 173-174, Burton v. Willington Parking Authority (1961) 365 U.S. 715, 723-725, Adickes v. S.H. Kress & Co. 398 U.S. 144 and Lugar v. Edmondson Oil Co. (1982) 457 U.S. 922, 941-942.*

PETITIONER HAS NO PLAIN, SPEEDY, AND ADEQUATE REMEDY IN THE ORDINARY COURSE OF LAW AND THEREFORE THE WRIT SHOULD ISSUE AND THE JUDGMENT SHOULD BE STAYED.

7.) Petitioner has no plain, speedy, and adequate remedy in the ordinary course of law and therefore the writ should issue and the judgment should be stayed. The judgment at issue here should be stayed as a matter of law. As set forth above the real party in interest did not state a cause of action for unlawful detainer, the judgment at issue here was obtained through the use of fraud, perjury and forgery, and the judgment if entered would

violate the Fourteenth Amendment to the United States Constitution. Petitioner will probably prevail on the merits of her appeal. Petitioner has no plain, speedy, and adequate remedy, in the ordinary course of law because petitioner will be deprived possession of the property at issue in this action before her appeal can be heard. If the judgment is not stayed petitioner would be deprived of property without due process of law. In this instant action petitioner is entitled to the writ as a matter of right. *May v. Board of Directors (1949) 34 C2d 125, 133, 208 P2d 661*

ARGUMENT

8.) This Court should stay the execution of the writ of possession and issue a writ of mandate or supersedeas or prohibition directing respondent to reverse their judgment and enter a judgment in defendants' favor dismissing plaintiff's unlawful detainer action because it is undisputed that no rental agreement (oral or written) exists between plaintiff and defendants and the action is being prosecuted in bad faith. The undisputed facts in this action conclusively negates a cause of action for unlawful detainer, and demonstrates that this action is being prosecuted in bad faith. There are no genuine issues of material facts in this

action as to an unlawful detainer action and therefore defendants are entitled to judgment in their favor as a matter of law.

Dated: March 22, 2010

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_____

Julia A. McGee

Julia A. McGee
5617 Bonniemae Way
Sacramento, California 95824
(916) 247-2413

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA IN AND FORE THE THIRD DISTRICT

JULIA A. McGEE,)
Petitioner,)

No. _____

	) PETITION FOR WRIT
V.	) OF MANDATE AND
	) APPLICATION FOR
SUPERIOR COURT OF	) TEMPORARY STAY;
THE COUNTY OF	) SUPPORTING
SACRAMENTO	) MEMORANDUM
Respondent,	) (CCP § 1085)
	)
SORA McGEE,	)
Real Party in Interest,	)
	)

MEMORANDUM IN SUPPORT OF WRIT OF MANDATE AND APPLICATION FOR TEMPORARY STAY

PETITIONER HAS A CLEAR, PRESENT AND BENEFICIAL RIGHT TO HAVE RESPONDENT ENTER A JUDGMENT IN HER FAVOR DISMISSING RESPONDENT'S ACTION ENTITLED *MCGEE V. MCGEE ET. AL., NO. 09UD12194.*

Petitioner has a clear, present, and beneficial right to have a judgment dismissing respondent's action in favor of petitioner because the existence of a landlord-tenant relationship is a condition precedent to unlawful detainer action, and must be stated in the complaint. *Francis v. West Virginia Oil Co.* (1917) 174 C 168, 162 P. 394. The complaint must allege: (1)

the existence of a lease or rental agreement (oral or written); and (2) that the tenant entered into possession under it, no longer has a right to possession, and yet remains in possession. If the term has expired and the tenant is still in possession, the landlord-tenant relationship, for the purpose of unlawful detainer statutes continues until the tenant surrenders possession. *O'Dell v. Buttrick* (1899) 126 C 55, 59 p. 133.

Respondent as a matter of law should have entered judgment in favor of petitioner because a defendant moving for summary judgment or summary adjudication by attacking a specific cause of action in the complaint may meet its original burden by: (1) conclusively negating one or more elements of the cause of action; or (2) using the plaintiff's response to discovery or other evidence to show that plaintiff does not possess, and cannot reasonably obtain necessary evidence to support that cause of action. See *Aguilar v. Atlantic Richfield Co.* (2001) 25 C 4th 826, 849.

The undisputed facts in this action conclusively show: (1) Julia McGee has not at any time agreed to rent the property located at 5617 Bonniemae Way Sacramento California 95824 from Sora McGee by an oral or written agreement; (2) Julia McGee and Jefferson McGee have been in possession of the property known as 5617 Bonniemae Way Sacramento, California 95824 since April 5, 2006; (3) Sora McGee

prepared the 30-days to Quit Notice giving defendants 30-days to vacate 5617 Bonniemae Way Sacramento, California 95824 on October 23, 2009 two days prior to the date she purportedly entered into an oral agreements to rent the property located at 5617 Bonniemae Way Sacramento California 95824 to Julia McGee; (4) Thomas Hogan fraudulently altered the date Sora McGee purportedly signed the verification from 12/03/09 to 12/10/09 to deceive the court into believing that Sora McGee read the complaint that Thomas Hogan had prepared and subscribed on 12/10/09; (5) the filing of the unlawful detainer action entitled *McGee v. McGee el al. No. 09UD12194* was done in furtherance of the State of California's and her officers ongoing conspiracy to evict Julia McGee and her family from the property located at 5617 Bonniemae Way Sacramento California 95824 and to interfere with the orderly administration of justice in the United States Supreme Court; (6) the respondent action entitled *McGee v. McGee et. al., No. 09UD12194* is being prosecuted in bad faith; and (7) the respondent action entitled *McGee v. McGee et. al., No. 09UD12194* cannot in good faith be amended to state an action for unlawful detainer. (See Exhibit K)

On March 1, 2010 plaintiff Sora McGee testified in court at a trial or hearing and admitted that she had not entered into an oral agreement with defendant Julia McGee to rent the property located at 5617 Bonniemae Way Sacramento California 95824

for $750.00 per month. Also, during the trial or hearing plaintiff did not produce any evidence to show that on October 25, 2009 she entered into an oral agreement to rent the property located at 5617 Bonniemae Way Sacramento California 95824 with defendants.[5]

The undisputed facts and plaintiff's own testimony in the matter of *McGee v. McGee et. al.,* No *09UD12194* clearly negates one or more elements of plaintiff's unlawful detainer action and shows Thomas Hogan, Arnold Schwarzenegger, Edmund G. Brown Jr. and some state officials have conspired or aided and excited other persons to use fraud, perjury, and forgery in obtaining the judgment at issue with the purposeful intent to unlawfully evicting petitioner and her family from their residence in furtherance of a racially motivated conspiracy to violate petitioner and her family's rights secured by Title 42 U.S.C. §§ 1981, 1982, and 2000.

THE TRIAL COURT HAS FAILED TO PREVENT THOMAS HOGAN FROM WORKING IN CONCERT WITH STATE OFFICIALS TO DEPRIVE PETITIONER AND HER FAMILY OF THEIR RIGHTS SECURED BY THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION

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[5] Petitioner has ordered tape recordings of hearing in the trial court and is awaiting the trial court to deliver her copies.

The trial court has failed to prevent Thomas Hogan from working in concert with state officials to deprive petitioner and her family of their rights secured by the fourteenth amendment to the United States Constitution. The enforcement of the judgment and writ of execution in the matter of *McGee v. McGee et. al. No. 09UD12194* would violate the fourteenth amendment to the United States Constitution because Thomas Hogan is acting jointly with state officials in an attempt to evict petitioner and her family from their residence on the grounds of their race. The racially motivated attempt to evict petitioner and her family from her residence in the matter of *McGee v. McGee et. al., No. 09UD12194* is deemed state action and under color of law. *Monroe v. People (1961) 365 U.S. 167, 173-174, Burton v. Willington Parking Authority (1961) 365 U.S. 715, 723-725, Adickes v. S.H. Kress & Co. 398 U.S. 144* and *Lugar v. Edmondson Oil Co. (1982) 457 U.S. 922, 941-942.*

PETITIONER HAS NO PLAIN, SPEEDY, AND ADEQUATE REMEDY IN THE ORDINARY COURSE OF LAW AND THEREFORE THE WRIT SHOULD ISSUE AND THE JUDGMENT SHOULD BE STAYED.

Petitioner has no plain, speedy, and adequate remedy in the ordinary course of law and therefore

the writ should issue and the judgment should be stayed. The judgment at issue here should be stayed as a matter of law. As set forth above the real party in interest did not state a cause of action for unlawful detainer, the judgment at issue here was obtained through the use of fraud, perjury and forgery, and the judgment if entered would violate the Fourteenth Amendment to the United States Constitution. Petitioner will probably prevail on the merits of her appeal. Petitioner has no plain, speedy, and adequate remedy, in the ordinary course of law because petitioner will be deprived possession of the property at issue in this action before her appeal can be heard. If the judgment is not stayed petitioner would be deprived of property without due process of law. In this instant action petitioner is entitled to the writ as a matter of right. *May v. Board of Directors (1949) 34 C2d 125, 133, 208 P2d 661*